

ESTTA Tracking number: **ESTTA427593**

Filing date: **08/29/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200755
Party	Defendant Sam Lax d/b/a Sala Group
Correspondence Address	SCOTT W KELLEY KELLY LOWRY & KELLEY LLP 6320 CANOGA AVE STE 1650 WOODLAND HILLS, CA 91367-7704 UNITED STATES scott@KLKPatentLaw.com
Submission	Answer
Filer's Name	Scott W. Kelley
Filer's e-mail	scott@KLKPatentLaw.com
Signature	/Scott W. Kelley/
Date	08/29/2011
Attachments	Answer to Notice of Opp--SALA MugsRUs.pdf ( 3 pages )(148816 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of

August 29, 2011

Trademark Application Serial No. 85/166,095  
For the mark MUGSRUS

Opposition No. 91200755

GEOFFREY, LLC, Opposer

v.

Sam Lax d/b/a Sala Group, Applicant

**ANSWER TO NOTICE OF OPPOSITION**

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
via E-FILE

Commissioner:

By way of Answer to the Notice of Opposition filed on behalf of Opposer Geoffrey, LLC, filed July 12, 2011, Applicant Sam Lax d/b/a Sala Group states by and through his undersigned counsel, the following:

With respect to the first “unnumbered paragraph” of the Notice of Opposition, Applicant lacks sufficient information to determine the truth of the organization and location of Opposer, and denies that Opposer will be damaged by registration of Application Serial No. 85/166,095.

1. Admitted.
2. Admitted.
3. Admitted.
- 4 - 57. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein, and accordingly, denies the same.

58. Applicant denies that the mark MUGSRUS was not used in interstate commerce or commerce with the United States in connection with “custom imprinting of mugs, cups and drinking steins” or “manufacturing services for others in the field of mugs, cups and drinking steins” prior to June 1976.
59. Denied.
60. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations therein, and accordingly, denies the same.
61. Applicant denies that it intends to offer services in whole or in part within the same geographic region and to the same class of purchasers as Opposer.
62. Denied.
63. Denied.
64. Denied.
65. Denied.
66. Applicant denies that the registration of the mark MUGSRUS would be a source of damage and injury to the Opposer, as well as confusion in the relevant marketplace.
67. Denied.
68. Denied.

AFFIRMATIVE DEFENSES

A. Applicant does not intend on using its mark MUGSRUS on or in association with any good or service that will cause dilution of or confusion with the Opposer's family of marks.

Wherefore, Applicant prays that the Notice of Opposition be dismissed with prejudiced in its entirety, and that a registration be issued to Applicant for its mark.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

/Scott W. Kelley/  
Attorney for Applicant

SWK/jc  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367  
(818) 347-7900